

AMENDED IN ASSEMBLY JUNE 19, 2006
AMENDED IN ASSEMBLY SEPTEMBER 2, 2005
AMENDED IN ASSEMBLY JULY 11, 2005
AMENDED IN ASSEMBLY JUNE 27, 2005
AMENDED IN SENATE JUNE 2, 2005
AMENDED IN SENATE MAY 31, 2005
AMENDED IN SENATE MAY 27, 2005
AMENDED IN SENATE APRIL 4, 2005
AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 153

Introduced by Senators Chesbro and Murray
(Coauthors: Senators Alquist, Florez, Kehoe, Kuehl, Perata,
Simitian, Vincent, and Torlakson)
(Coauthors: Assembly Members Berg, Bermudez, Evans, Karnette,
Klehs, Koretz, Laird, Leno, Nation, Nava, Pavley, and Ruskin)

February 8, 2005

~~An act to add Chapter 1.698 (commencing with Section 5096.700) to Division 5 of the Public Resources Code, relating to financing a program for the acquisition, development, improvement, preservation, rehabilitation, and restoration of agricultural, coastal, cultural, forest, historical, park, recreational, and water resources in the state, by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing handling and disposition of those funds. An act to add Chapter 1.57 (commencing with Section 5095.10) and Chapter 1.58 (commencing with Section~~

5095.20) to Division 5 of the Public Resources Code, relating to parks and recreation.

LEGISLATIVE COUNSEL'S DIGEST

SB 153, as amended, Chesbro. ~~California Clean Water, Safe Neighborhood Parks, and Coastal Protection Act of 2006.~~ *Parks and recreation.*

Under

(1) Under existing law, programs have been established pursuant to bond acts for, among other things, the development and enhancement of state and local parks and recreational facilities.

~~This bill would enact the California Clean Water, Safe Neighborhood Parks, and Coastal Protection Act of 2006, which, if adopted, would authorize for the purpose of financing a program for the acquisition, development, improvement, preservation, rehabilitation, and restoration of agricultural, coastal, cultural, forest, historical, park, recreational, and water resources in the state, as specified, the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of \$3,945,000,000.~~

There is with the Secretary of State, pending signature verification, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (the initiative), for inclusion in the November 7, 2006, statewide general election. The initiative, if placed on the ballot and adopted by the voters, among other things, would make \$580,000,000 in bond funds available for improving the sustainability and livability of the state's communities through investment in natural resources, as specified. The initiative would require \$400,000,000 of those bond funds to be available to the Department of Parks and Recreation for competitive grants for local and regional parks, to be allocated to existing programs or pursuant to implementing legislation, as specified. The initiative would require \$90,000,000 of those bond funds to be available for urban greening projects that reduce energy consumption, conserve water, improve air and water quality, and provide other community benefits, as specified, and would require implementing legislation to provide for planning grants for urban greening programs. The initiative would require the remaining \$90,000,000 of those bond funds to be available for planning grants and planning incentives, including revolving loan

programs and other methods to encourage the development of regional and local land use plans that are designed as specified.

This bill would, of the \$400,000,000, require \$200,000,000, upon appropriation, to be used by the department for population-based competitive local assistance grants for the acquisition, restoration, and development of neighborhood, community, and regional parks, and recreational lands and facilities, as specified. The bill would require the remaining \$200,000,000 of the \$400,000,000, upon appropriation, to be used by the department to award competitive grants to local government agencies pursuant to specified existing park and recreation programs and to the Challenged Rural Communities Program that this bill would create. The bill would require the department to administer the needs-based Challenged Rural Communities Program for grants to cities, counties, and districts in non-urbanized areas for acquisition, development, and maintenance of recreational lands and facilities or for innovative recreational programs. The bill would require the remaining \$180,000,000, upon appropriation, to be used consistent with the initiative.

The bill would provide that these provisions shall be operative and take effect only if the voters adopt the initiative at the November 7, 2006, statewide general election.

(2) The Legislature enacted, for inclusion in the November 7, 2006, statewide general election, the Housing and Emergency Shelter Trust Fund Act of 2006 (the act). The act, if adopted by the voters, among other things, would require \$200,000,000 in specified bond funds to be available, upon appropriation, for housing-related park grants in urban, suburban, and rural areas, subject to the conditions and criteria that the Legislature may provide in statute. The act would require specified bond funds, upon appropriation, and subject to criteria as the Legislature may provide in statute, to be available for infill incentive grants for capital outlay related to infill housing development and other related infill housing development, including, but not limited to, not more than \$200,000,000 for park creation, development, or rehabilitation to encourage infill development; water, sewer, or other public infrastructure costs associated with infill development; transportation improvements related to infill development projects; and traffic mitigation.

The bill would require the \$200,000,000 in bond funds available for housing-related park grants in urban, suburban, and rural areas,

upon appropriation, to be administered by the department and made available as population-based grants to cities, counties, and eligible districts, as specified. The bill would require the not more than \$200,000,000 in bond funds available for park creation, development, or rehabilitation to encourage infill development to be used by the department, upon appropriation, for competitive grants pursuant to specified existing park and recreation programs. The bill would require \$100,000,000 of bond funds identified for water, sewer, or other public infrastructure costs associated with infill development to be available, upon appropriation, for recreational projects of regional significance, as specified. The bill would prohibit more than \$25,000,000 of bond funds identified for transportation improvements related to infill development projects or traffic mitigation from being available for the environmental enhancement mitigation program. The bill would provide that these provisions shall be operative and take effect only if the voters adopt the act at the November 7, 2006, statewide general election.

(3) The bill would provide that its provisions are severable.

Vote: $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 1.57 (commencing with Section
2 5095.10) is added to Division 5 of the Public Resources Code, to
3 read:

4
5 CHAPTER 1.57. SUSTAINABLE COMMUNITIES AND CLIMATE
6 CHANGE REDUCTION IMPLEMENTATION

7
8 5095.10. (a) For the purposes of this chapter, the following
9 terms have the following meaning:

10 (1) "Department" means the Department of Parks and
11 Recreation.

12 (2) "Director" means the Director of Parks and Recreation.

13 (3) "District" means a regional park district, regional park
14 and open-space district, or regional open-space district formed
15 pursuant to Article 3 (commencing with Section 5500) of Chapter
16 3, a recreation and park district formed pursuant to Chapter 4
17 (commencing with Section 5780), or an authority formed

1 *pursuant to Division 26 (commencing with Section 35100). With*
 2 *respect to a community or unincorporated region that is not*
 3 *included within a district, and in which no city or county*
 4 *provides parks or recreational areas or facilities, “district” also*
 5 *means any other district that is authorized by statute to operate*
 6 *and manage parks or recreational areas or facilities, employs a*
 7 *full-time park and recreation director; offers year-round park*
 8 *and recreation services on lands and facilities owned by the*
 9 *district, and allocates a substantial portion of its annual*
 10 *operating budget to parks or recreation areas or facilities.*

11 *(b) For the purposes of this chapter, other terms common to*
 12 *this chapter and Division 43 (commencing with Section 75001),*
 13 *shall have the same meaning as defined in Section 75005.*

14 *5095.11. (a) Of the four hundred million dollars*
 15 *(\$400,000,000) made available to the department pursuant to*
 16 *subdivision (b) of Section 75065, two hundred million dollars*
 17 *(\$200,000,000), upon appropriation, shall be used by the*
 18 *department for competitive local assistance grants, on the basis*
 19 *of population, for the acquisition, restoration, and development*
 20 *of neighborhood, community, and regional parks, and*
 21 *recreational lands and facilities, consistent with subdivision (b)*
 22 *of Section 75065.*

23 *(b) (1) Eligibility to receive a grant pursuant to subdivision*
 24 *(a) is contingent upon the submittal of an application that*
 25 *demonstrates that the grant applicant will use the grant money*
 26 *for at least two of the following purposes:*

27 *(A) To acquire and develop new parks, and expand overused*
 28 *parks, that provide park and recreational access to underserved*
 29 *communities.*

30 *(B) To create parks in neighborhoods where none exist at the*
 31 *time of the grant application.*

32 *(C) For projects that are designed to provide energy efficient*
 33 *use of water and other natural resources.*

34 *(D) For projects that actively involved community based*
 35 *groups in the selection and planning process.*

36 *(2) The department shall create an application to be used by*
 37 *grant applicants.*

38 *5095.12. (a) Sixty percent of the total funds available for*
 39 *grants pursuant to Section 5095.11 shall be allocated to cities*
 40 *and to districts other than a regional park district, regional park*

1 *and open-space district, or regional open-space district. Each*
2 *city's and district's allocation shall be in the same ratio as the*
3 *city's or district's population is to the combined total of the*
4 *state's population that is included in incorporated areas and*
5 *unincorporated areas within the district, except that each city or*
6 *district shall be entitled to a minimum allocation of one hundred*
7 *ten thousand dollars (\$110,000). In any instance in which the*
8 *boundary of a city overlaps the boundary of such a district, the*
9 *population in the area of overlapping jurisdiction shall be*
10 *attributed to each jurisdiction in proportion to the extent to*
11 *which each operates and manages parks and recreational areas*
12 *and facilities for that population. In any instance in which the*
13 *boundary of a city overlaps the boundary of such a district, and*
14 *in the area of overlap the city does not operate and manage*
15 *parks and recreational areas and facilities, all grant funds shall*
16 *be allocated to the district.*

17 *(b) Each city and each district subject to subdivision (a) whose*
18 *boundaries overlap shall develop a specific plan for allocating*
19 *the grant funds in accordance with the formula specified in*
20 *subdivision (a). If, by January 1, 2008, the plan has not been*
21 *agreed to by the city and district and submitted to the*
22 *department, the director shall determine the allocation of the*
23 *grant funds among the affected jurisdictions.*

24 *(c) Forty percent of the total funds available for grants*
25 *pursuant to Section 5095.11 shall be allocated to counties and*
26 *regional park districts, regional park and open-space districts,*
27 *or regional open-space districts formed pursuant to Article 3*
28 *(commencing with Section 5500) of Chapter 3.*

29 *(d) Each county's allocation under subdivision (c) shall be in*
30 *the same ratio as the county's population, except that each*
31 *county shall be entitled to a minimum allocation of two hundred*
32 *fifty thousand dollars (\$250,000).*

33 *(e) In a county that embraces all or part of the territory of a*
34 *regional park district, regional park and open-space district, or*
35 *regional open-space district, whose board of directors is not the*
36 *county board of supervisors, the amount allocated to the county*
37 *shall be apportioned between that district and the county in*
38 *proportion to the population of the county that is included within*
39 *the territory of the district and the population of the county that*
40 *is outside the territory of the district.*

1 (f) In a county that currently embraces all or a part of the
2 territory of a regional open-space district and an authority
3 formed pursuant to Division 26 (commencing with Section
4 35100), the allocation shall be distributed between the county
5 and the following entities:

6 (1) The funds shall be apportioned between the district and the
7 county in proportion to the population of the county that is
8 included within the territory of the district, and the proportion of
9 the population of the county that is outside the district. The
10 amounts resulting from this calculation shall be known as the
11 district's share, and the county's first balance. The district's
12 share shall be allocated to the district. The county's first balance
13 shall be further apportioned, as provided in paragraph (2).

14 (2) The county's first balance, as determined in accordance
15 with paragraph (1), shall be further apportioned between the
16 authority and the county in proportion to the population of the
17 county that is included within the territory of the authority, and
18 the proportion of the population of the county that is outside the
19 authority. The amounts resulting from this calculation shall be
20 known as the authority's share and the county's second balance.

21 (3) The authority's share shall be divided equally between the
22 county and the authority. The county shall receive all of the
23 county's second balance.

24 (g) In a county that embraces all or part of the territory of a
25 regional park district, regional park and open-space district, or
26 regional open-space district, whose board of directors is not the
27 county board of supervisors, the amount allocated to the county
28 shall be apportioned between that district and the county in
29 proportion to the population of the county that is included within
30 the territory of the district and the population of the county that
31 is outside the territory of the district.

32 (h) For the purpose of making the calculations required by
33 this section, population shall be determined by the department, in
34 cooperation with the Department of Finance, on the basis of the
35 most recent verifiable census data and other verifiable
36 population data that the department may require to be furnished
37 by the applicant city, county, or district.

38 5095.13. Of the four hundred million dollars (\$400,000,000)
39 made available to the department pursuant to subdivision (b) of
40 Section 75065, two hundred million dollars (\$200,000,000), upon

1 *appropriation, shall be used by the department to award*
2 *competitive grants to local government agencies in accordance*
3 *with the following schedule, consistent with subdivision (b) of*
4 *Section 75065:*

5 *(a) Seventy-five million dollars (\$75,000,000) for the*
6 *Murray-Hayden Urban Parks and Youth Service Program*
7 *(Article 4.7 (commencing with Section 5096.348) of Chapter*
8 *1.692).*

9 *(b) Fifty million dollars (\$50,000,000) for the Urban Park Act*
10 *of 2001 (Chapter 3.3 (commencing with Section 5640)).*

11 *(c) Twenty-five million dollars (\$25,000,000) for the State*
12 *Urban Parks and Healthy Communities Act (Chapter 1.55*
13 *(commencing with Section 5095)).*

14 *(d) Twenty-five million dollars (\$25,000,000) for the*
15 *California Youth Soccer and Recreation Development Program*
16 *created pursuant to Section 5004.5.*

17 *(e) Twenty-five million dollars (\$25,000,000) for the*
18 *Challenged Rural Communities Program created pursuant to*
19 *Section 5095.16.*

20 *5095.14. The ninety million dollars (\$90,000,000) made*
21 *available pursuant to subdivision (a) of Section 75065, upon*
22 *appropriation, shall be used for grants for planning and*
23 *implementation of urban greening programs, consistent with*
24 *subdivision (a) of Section 75065, that reduce energy*
25 *consumption, conserve water, improve air and water quality, and*
26 *provide other public benefits. Priority shall be given to projects*
27 *that provide multiple benefits, use existing public lands, serve*
28 *communities with greatest need, and facilitate joint use of public*
29 *resources and investments including schools. Of this amount, not*
30 *less than twenty million dollars (\$20,000,000) shall be made*
31 *available for urban forestry projects pursuant to the California*
32 *Urban Forestry Act of 1978 (Chapter 2 (commencing with*
33 *Section 4799.06) of Part 2.5 of Division 4).*

34 *5095.15. The ninety million dollars (\$90,000,000) made*
35 *available pursuant to subdivision (c) of Section 75065, upon*
36 *appropriation, shall be used for planning grants and planning*
37 *incentives, including revolving loan programs and other methods*
38 *to encourage the development of regional and local land use*
39 *plans that are designed to promote water conservation, reduce*
40 *automobile use and fuel consumption, encourage greater infill*

1 and compact development, protect natural resources and
2 agricultural lands, and revitalize urban and community centers.

3 5095.16. The department shall administer a needs-based
4 Challenged Rural Communities Program for grants to cities,
5 counties, and districts in nonurbanized areas on a
6 project-by-project basis and on the basis of need for acquisition,
7 development, or special major maintenance of recreational lands
8 and facilities, or for innovative recreational programs. The
9 criteria for determining need shall include, but are not limited to,
10 deficiencies in existing park and recreational lands and facilities,
11 the impact of participants from outside the jurisdiction, and the
12 overall merit of the grant proposal.

13 SEC. 2. Chapter 1.58 (commencing with Section 5095.20) is
14 added to Division 5 of the Public Resources Code, to read:

15
16 *CHAPTER 1.58. HOUSING AND EMERGENCY SHELTER PARKS*
17 *IMPLEMENTATION*
18

19 5095.20. (a) For the purposes of this chapter, the following
20 terms have the following meaning:

21 (1) "Department" means the Department of Parks and
22 Recreation.

23 (2) "Director" means the Director of Parks and Recreation.

24 (3) "District" means a regional park district, regional park
25 and open-space district, or regional open-space district formed
26 pursuant to Article 3 (commencing with Section 5500) of Chapter
27 3, a recreation and park district formed pursuant to Chapter 4
28 (commencing with Section 5780), or an authority formed
29 pursuant to Division 26 (commencing with Section 35100). With
30 respect to a community or unincorporated region that is not
31 included within a district, and in which no city or county
32 provides parks or recreational areas or facilities, "district" also
33 means any other district that is authorized by statute to operate
34 and manage parks or recreational areas or facilities, employs a
35 full-time park and recreation director, offers year-round park
36 and recreation services on lands and facilities owned by the
37 district, and allocates a substantial portion of its annual
38 operating budget to parks or recreation areas or facilities.

39 (b) For the purposes of this chapter, other terms common to
40 this chapter and Part 12 (commencing with Section 53540) of

1 *Division 31 of the Health and Safety Code, shall have the same*
2 *meaning as defined in Section 53541 of the Health and Safety*
3 *Code.*

4 *5095.21. The two hundred million dollars (\$200,000,000)*
5 *deposited in the Housing Urban-Suburban-and-Rural Parks*
6 *Account in the Housing and Emergency Shelter Trust Fund of*
7 *2006 pursuant to subdivision (d) of Section 53545 of the Health*
8 *and Safety Code, upon appropriation, shall be administered by*
9 *the department and made available by the department for*
10 *housing-related parks grants in urban, suburban, and rural*
11 *areas, on the basis of population, to cities, counties, and eligible*
12 *districts, consistent with subdivision (d) of Section 53545 of the*
13 *Health and Safety Code.*

14 *5095.22. (a) Sixty percent of the total funds available for*
15 *grants pursuant to Section 5095.21 shall be allocated to cities*
16 *and to districts other than a regional park district, regional park*
17 *and open-space district, or regional open-space district. Each*
18 *city's and district's allocation shall be in the same ratio as the*
19 *city's or district's population is to the combined total of the*
20 *state's population that is included in incorporated areas and*
21 *unincorporated areas within the district, except that each city or*
22 *district shall be entitled to a minimum allocation of one hundred*
23 *ten thousand dollars (\$110,000). In any instance in which the*
24 *boundary of a city overlaps the boundary of such a district, the*
25 *population in the area of overlapping jurisdiction shall be*
26 *attributed to each jurisdiction in proportion to the extent to*
27 *which each operates and manages parks and recreational areas*
28 *and facilities for that population. In any instance in which the*
29 *boundary of a city overlaps the boundary of such a district, and*
30 *in the area of overlap the city does not operate and manage*
31 *parks and recreational areas and facilities, all grant funds shall*
32 *be allocated to the district.*

33 *(b) Each city and each district subject to subdivision (a) whose*
34 *boundaries overlap shall develop a specific plan for allocating*
35 *the grant funds in accordance with the formula specified in*
36 *subdivision (a). If, by January 1, 2008, the plan has not been*
37 *agreed to by the city and district and submitted to the*
38 *department, the director shall determine the allocation of the*
39 *grant funds among the affected jurisdictions.*

1 (c) Forty percent of the total funds available for grants
2 pursuant to Section 5095.21 shall be allocated to counties and
3 regional park districts, regional park and open-space districts,
4 or regional open-space districts formed pursuant to Article 3
5 (commencing with Section 5500) of Chapter 3.

6 (d) Each county's allocation under subdivision (c) shall be in
7 the same ratio as the county's population, except that each
8 county shall be entitled to a minimum allocation of two hundred
9 fifty thousand dollars (\$250,000).

10 (e) In a county that embraces all or part of the territory of a
11 regional park district, regional park and open-space district, or
12 regional open-space district, whose board of directors is not the
13 county board of supervisors, the amount allocated to the county
14 shall be apportioned between that district and the county in
15 proportion to the population of the county that is included within
16 the territory of the district and the population of the county that
17 is outside the territory of the district.

18 (f) In a county that currently embraces all or a part of the
19 territory of a regional open-space district and an authority
20 formed pursuant to Division 26 (commencing with Section
21 35100), the allocation shall be distributed between the county
22 and the following entities:

23 (1) The funds shall be apportioned between the district and the
24 county in proportion to the population of the county that is
25 included within the territory of the district, and the proportion of
26 the population of the county that is outside the district. The
27 amounts resulting from this calculation shall be known as the
28 district's share, and the county's first balance. The district's
29 share shall be allocated to the district. The county's first balance
30 shall be further apportioned, as provided in paragraph (2).

31 (2) The county's first balance, as determined in accordance
32 with paragraph (1), shall be further apportioned between the
33 authority and the county in proportion to the population of the
34 county that is included within the territory of the authority, and
35 the proportion of the population of the county that is outside the
36 authority. The amounts resulting from this calculation shall be
37 known as the authority's share and the county's second balance.

38 (3) The authority's share shall be divided equally between the
39 county and the authority. The county shall receive all of the
40 county's second balance.

1 (g) In a county that embraces all or part of the territory of a
2 regional park district, regional park and open-space district, or
3 regional open-space district, whose board of directors is not the
4 county board of supervisors, the amount allocated to the county
5 shall be apportioned between that district and the county in
6 proportion to the population of the county that is included within
7 the territory of the district and the population of the county that
8 is outside the territory of the district.

9 (h) For the purpose of making the calculations required by
10 this section, population shall be determined by the department, in
11 cooperation with the Department of Finance, on the basis of the
12 most recent verifiable census data and other verifiable
13 population data that the department may require to be furnished
14 by the applicant city, county, or district.

15 5095.23. (a) The two hundred million dollars (\$200,000,000)
16 made available pursuant to subparagraph (A) of paragraph (1)
17 of subdivision (b) of Section 53545 of the Health and Safety
18 Code, upon appropriation, shall be used by the department to
19 award competitive grants in accordance with the following
20 schedule, consistent with subdivision (b) of Section 53545 of the
21 Health and Safety Code:

22 (1) One hundred million dollars (\$100,000,000) for the
23 Murray-Hayden Urban Parks and Youth Service Program
24 (Article 4.7 (commencing with Section 5096.348) of Chapter
25 1.692).

26 (2) Fifty million dollars (\$50,000,000) for the Urban Park Act
27 of 2001 (Chapter 3.3 (commencing with Section 5640)).

28 (3) Twenty-five million dollars (\$25,000,000) for the State
29 Urban Parks and Healthy Communities Act (Chapter 1.55
30 (commencing with Section 5095)).

31 (4) Twenty-five million dollars (\$25,000,000) for the
32 California Youth Soccer and Recreation Development Program
33 created pursuant to Section 5004.5.

34 (b) In making grants pursuant to subdivision (a), the
35 department shall consider projects that encourage, promote, or
36 compliment infill development.

37 5095.24. Pursuant to subparagraph (B) of paragraph (1) of
38 subdivision (b) of Section 53545 of the Health and Safety Code,
39 and consistent with subdivision (b) of Section 53545 of the
40 Health and Safety Code, one hundred million dollars

1 (\$100,000,000), upon appropriation, shall be available for
2 grants for recreational projects of regional significance,
3 including trails that are consistent with regional and local plans.
4 In the interest of promoting recreational infill uses, utilizing
5 blighted properties for public recreational purposes, and
6 encouraging regional recreational pursuits, additional
7 consideration may be given to projects that are sponsored by
8 local agencies and improve or enhance sites constituted from
9 nonnative fill materials, retired landfill property or waste
10 treatment sites, reclaimed mining or aggregate sites, or adjacent
11 to industrial properties.

12 5095.25. Of the money made available pursuant to
13 subparagraphs (C) and (D) of paragraph (1) of subdivision (b) of
14 Section 53545 of the Health and Safety Code, no more than
15 twenty-five million dollars (\$25,000,000) may be made available
16 for the environmental enhancement and mitigation program
17 described in Section 164.56 of the Streets and Highways Code.

18 SEC. 3. The provisions of this bill are severable. If any
19 provision of this bill or its application is held invalid, that
20 invalidity shall not affect other provisions or applications that
21 can be given effect without the invalid provision or application.

22 SEC. 4. Section 1 of this act shall be operative and take effect
23 only if the voters adopt, “The Safe Drinking Water, Water
24 Quality and Supply, Flood Control, River and Coastal Protection
25 Bond Act of 2006,” at the November 7, 2006, statewide general
26 election.

27 SEC. 5. Section 2 of this act shall be operative and take effect
28 only if the voters adopt the “Housing and Emergency Shelter
29 Trust Fund Act of 2006” at the November 7, 2006, statewide
30 general election.

31
32
33 **All matter omitted in this version of the bill**
34 **appears in the bill as amended in**
35 **Assembly, September 2, 2005 (JR11)**
36